

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-255

27 December 1983

MEMORANDUM FOR: Chief, Legislation Division, OLL

FROM:

Chairman

SUBJECT: Draft FY 85 Intelligence Bill

1. The inclusion of Title V, "Unauthorized Disclosures of Classified Information," in the FY 85 Intelligence Authorization Bill is an extremely encouraging sign that we are serious about trying to combat intelligence leaks. It seems to be a relatively modest proposal that should provide little basis for serious opposition. Title VI is a more ambitious initiative, but certainly deserves full support. Section 702(e) of Title VI is a much-needed provision that would facilitate recovery of misappropriated classified material.

2. I am concerned that Title V, Sec. 791 (a), because of the use of "or" in line 2 and "and" in line 6, may not properly cover contractor personnel, who are not officers or employees of the U.S., as defined in (b) (ii). Deleting the words, "who is not an officer or employee of the United States and" would correct the apparent oversight. The section would then prohibit disclosure to "a person who is not authorized to receive it" in the context of (b) (iii).

3. The phrase "or any Member of Congress" in Title V, Sec. 791 (c) (ii), could conceivably be construed by individuals to sanction the delivery of classified information to individual Members of Congress by individual government employees acting on their own initiative. The phrase, "in accordance with applicable law" in Sec. 793 (c) may not be adequate to preclude such a misunderstanding.

4. Overall, the provisions of Titles V, VI and VII appear to be well-founded and worthwhile. I hope the Congress can be persuaded to enact the proposals.